

PATENT
Attorney Docket No. 101.0093-00000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 09 2004

OFFICIAL

In re Application of:) Confirmation No.: 6768
Gary K. Michelson)
Serial No.: 10/085,406) Group Art Unit: 3732
Filed: March 1, 2002) Examiner: M. Priddy
For: ARCUATE DYNAMIC LORDOTIC)
GUARD WITH MOVABLE)
EXTENSIONS FOR CREATING AN)
IMPLANTATION SPACE)
POSTERIORLY IN THE)
LUMBAR SPINE (as amended))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT

In reply to the Restriction Requirement dated February 13, 2004, Applicant provisionally elects to prosecute claims 1-115 drawn to Group I, Species B. In addition, the following amendments and remarks are submitted:

Amendments to the Title begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks begin on page 15 of this paper.

Reply to Restriction Requirement 3-9-04

MAR 09 2004

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OFFICIAL

FACSIMILE TRANSMITTAL

TO:

Name: Examiner M. Priddy
Firm: U.S. Patent & Trademark Office
Fax No.: 703-872-9302
Subject: U.S. Patent Application No. 10/085,406

Gary K. Michelson
Filed: March 1, 2002
ARCUATE DYNAMIC LORDOTIC GUARD WITH
MOVABLE EXTENSIONS FOR CREATING AN
IMPLANTATION SPACE POSTERIORLY IN
THE LUMBAR SPINE (as amended)
Attorney Docket No. 101.0093-00000
Customer No. 22882
Confirmation No. 6768

FROM:

Name: Amedeo F. Ferraro
Phone No.: 310-286-9800
No. of Pages (including this): 18
Date: March 9, 2004

Confirmation Copy to Follow: NO

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Transmittal Form (in duplicate) and Reply to Restriction Requirement are being facsimile transmitted to the U.S. Patent and Trademark Office on March 9, 2004.


Sandra L. Blackmon

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FORM PTO-1083

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 CREATING AN IMPLANTATION SPACE
 POSTERIORLY IN THE LUMBAR SPINE
 (as amended)

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a reply to the Office Action dated February 13, 2004 in the above-identified application.

No additional fee is required.
 Applicant hereby requests a ***month extension of time to respond to the above office action.

The fee has been calculated as shown below:

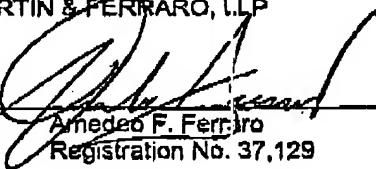
	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA:	LG/SM \$ ENTITY FEE	ADD'L FEE DUE
TOTAL CLAIMS FEE	115	-	159	**	LG=\$18 SM=\$9	\$18
INDEPENDENT CLAIMS FEE	2	-	3	***	LG=\$88 SM=\$43	\$88
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS						LARGE ENTITY FEE = \$290 SMALL ENTITY FEE = \$145
						TOTAL \$ 0

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

A check in the amount of \$____ to cover the additional claims fee is enclosed.
 A check in the amount of \$____ to cover the three month extension of time fee is enclosed.
 The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1766. A copy of this sheet is enclosed.
 Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
 Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
 MARTIN & FERRARO, LLP

By:


 Ahmed F. Ferraro
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Date: March 9, 2004

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